

**DURHAM, NORTH CAROLINA
MONDAY, NOVEMBER 19, 2001
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: Council Member Blyth.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting to order and at that time, he noted staff recommended the public hearing be opened and continued on GBA Item #5 [Major Special Use Permit (M01-01) - TROSA] until the January 7, 2002 City Council Meeting.

SUBJECT: MAJOR SPECIAL USE PERMIT (M01-01) - TROSA, 1820 JAMES STREET, UNIVERSITY WITH HOUSING

To hold the public hearing and evaluate the evidence presented. The Planning staff will make a recommendation after the hearing of the case. After the hearing, one of these two motions is in order:

Motion A: (Approval With or Without Conditions) - To direct the Planning Director to prepare a decision granting with conditions the Use Permit in Case M01-01. (Council should identify any conditions they wish to incorporate into their approval. Staff will prepare the decision for Council's next meeting for action.)

Motion B: (Disapproval) - To direct the Planning Director to prepare a decision denying the Use Permit in Case M01-01. (Council should identify the findings they are unable to make so these can be incorporated into the decision. Staff will prepare the decision for Council's next meeting for action.)

Mayor Tennyson opened the public hearing.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Larson to continue the public hearing on this item without further advertising until the January 7, 2002 City Council Meeting was approved at 7:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Larson, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth. Absent at time of Vote: Council Members Langley and McKissick.

Council Member Jacobs congratulated Elna B. Spaulding for receiving the William Friday Award for Moral Leadership.

Council Member Hill announced he attended the rededication of the Vietnam Veterans Living Memorial on November 11 at Edison Johnson

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Recreation Center. Also, he thanked all candidates who participated in the Clean Up of the city last Saturday.

Council Member Langley welcomed Michael A. Jones & Associates, a graduate of NCCU, for moving to 100 E. Parrish Street, noted she received a Community Award, and commented on her attendance at the Inter-Faith Service held Sunday.

Mayor Pro Tempore Clement recognized Boy Scouts Troop 439.

Mayor Tennyson read a proclamation declaring November 19, 2001 as Jeff Jeffrey Day and gave the Finance Director Nav Gill the City's award--Certificate for Achievement of Excellence in Financial Reporting--which was presented by the Government Finance Officers Association of the United States and Canada.

Mayor Tennyson requested the following item be added to the agenda:

SUBJECT: EMPLOYMENT AGREEMENTS - CITY ATTORNEY AND CITY CLERK

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to add an item to the agenda regarding the employment agreements for the City Attorney and City Clerk was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner made comments about the additional motion added to Consent Agenda Item #4 [Rejection of the Offer to Purchase City Tract #50 on Hillsborough Road and Retention of City Tract #50 on the Surplus Property Listing].

Council Member McKissick requested this item be pulled from the Consent Agenda.

City Attorney Henry Blinder made comments about the additional motion added to GBA Item #11 [City Council Procedures]. Also, he informed Council that Attachment B [Travel & Miscellaneous Expense Policy] was not the most recent version and the City Clerk has the current version that would be distributed.

There were no priority items from the City Clerk.

Mayor Tennyson noted revisions to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Citizens pulled the following from the Consent Agenda:

Item #4: Rejection of the Offer to Purchase City Tract #50 on Hillsborough Road and Retention of City Tract #50 on

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the Surplus Property Listing
Item #6: Deadlines For Accepting Bids For Surplus City-Owned Properties
Item #34a: Setting Public Hearings To Consider Ordering Certain Petitioned Improvements

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the Consent Agenda as amended was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

[CONSENT AGENDA]

SUBJECT: DISCLOSURE STATEMENT - VARIABLE RATE BOND DOWNGRADE FOR WATER AND SEWER SYSTEM SERIES 1994A

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a disclosure statement from the Finance Director concerning the ratings downgrade of variable rate debt issues was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: CONTRACT AMENDMENT - MICROSOFT ENTERPRISE SOFTWARE LICENSING AGREEMENT - COMP USA/MICROSOFT LICENSING

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute an amendment to the existing contract with Comp USA/Microsoft Licensing in the form of a "true-up" report in the amount of \$13,228.80 to cover the cost of additional licenses was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: PROPOSED SALE OF CITY TRACT #999 - UNOPENED CARTHAGE STREET - DURHAM COUNTY HABITAT FOR HUMANITY

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the sale of City Tract #999 under the authority of Section 86 of the City Charter; and

To accept the offer of \$18,000.00 from Durham County Habitat for Humanity to purchase City Tract #999; and

To authorize the Mayor to convey the property by a Non-warranty Deed was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette,

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Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: REMOVAL OF THREE PARCELS LOCATED ADJACENT TO WEST POINT ON THE ENO PARK FROM THE SURPLUS PROPERTY LISTING

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the removal of City Tracts #794, #886, and #919 from the Surplus Property Listing as they have been found to be needed for addition to the West Point on the Eno Park was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE AMENDMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to approve two statewide amendments to the *Municipal Records Retention and Disposition Schedule* approved by City Council on November 17, 1997 was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR YEAR ENDING JUNE 30, 2001

MOTION by Council Member Larson seconded by Council Member Jacobs to receive the Comprehensive Annual Financial Report for Year Ending June 30, 2001 was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: FIRST QUARTER FINANCIAL REPORT FOR FISCAL YEAR 2001-2002

MOTION by Council Member Larson seconded by Council Member Jacobs to receive the First Quarter Financial Report for Fiscal Year 2001-2002 was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: POLICE DEPARTMENT'S QUARTERLY REPORT FOR THE THIRD QUARTER OF CALENDAR YEAR 2001

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MOTION by Council Member Larson seconded by Council Member Jacobs to receive the Police Department's Quarterly Report for the Third Quarter Quarterly of Calendar Year 2001 was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: CANCELTION OF THE NOVEMBER 22, 2001 FINANCE COMMITTEE MEETING AND NOVEMBER 26, 2001 PUBLIC WORKS COMMITTEE MEETING

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt "An Ordinance Canceling the Finance Committee Meeting of Thursday, November 22, 2001 and the Public Works Committee Meeting of Monday November 26, 2001," due to the Thanksgiving Holiday was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Ordinance #12442

SUBJECT: SITE PLAN APPROVAL - ROXBORO ROAD OFFICE PARK

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for the Roxboro Road Office Park, submitted by The John R. McAdams Company, Inc. on behalf of the Durham Medical Park Association, consisting of five office buildings, totaling 48,050 square feet on 17.75 acres, zoned General Office and Institutional (OI-2) and F/J-B, and located on the east side of North Roxboro Street, south of Horton Road and north of Pacific Avenue (Tax Map #743-02-005, PIN #0823-12-96-2843, City Atlas Page 12, D-1) was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: SITE PLAN APPROVAL - SNAPPY LUBE

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Snappy Lube, submitted by Duane K. Stewart & Associates, Inc. on behalf of Royall Commercial Properties, Inc., consisting of two commercial buildings totaling 3,910 square feet, with 15 automobile and two bicycle parking spaces on a ±0.503 acre site zoned NC, F/J-B and MTC and located on the south side of NC 54, east of Fayetteville Road and north of I-40 (Tax Map #525-1-5A, PIN #0718-02-96-9009; City Atlas Page 43, A-1) was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette,

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Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO OCTOBER 1, 2001 - LOFLIN TRACT AND HUNTINGTON RIDGE/SCOGGINS PROPERTY

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration on voluntary annexation petitions for: Loflin Tract and Huntington Ridge/Scoggins Property; and

To accept the City Clerk's certification of 100% ownership as required by N.C. General Statutes 160A-58 and 160A-31; and

To adopt resolutions setting public hearings on Monday, December 3, 2001 on the Loflin Tract and Huntington Ridge/ Scoggins Property voluntary petition annexations was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Resolution #8821 - 8822

SUBJECT: PROPOSED ACQUISITION FOR THE FUTURE EXPANSION OF LAKE MICHIE - ELLIS CHAPEL ROAD - LOIS C. HUDSON AND HUSBAND CLAIBORNE L. HUDSON

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the acquisition of approximately 9.0897 acres of land and improvements located on Ellis Chapel Road, Tax Map 956-01-021, PIN 0858-03-22-4943, property of Lois C. Hudson and Husband Claiborne L. Hudson, for \$105,000 was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: SECOND AMENDMENT TO CONTRACT WITH HUSKY CONSTRUCTION CORPORATION FOR PEARSONTOWN AND ROCKY CREEK TRAILS PROJECT (SECTIONS 2 AND 4)

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a "Contract to Amend Agreement CT-0071495 #2 with Husky Construction Corporation" to increase the contract in the amount of \$17,635 to compensate for construction of Sections 2 and 4 of Rocky Creek and Pearsontown Trails, bringing the total amount of the contract to \$459,635 was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith

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and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: REPORT ON PROPERTY CONDITION EVALUATION AND LIMITED INDUSTRIAL HYGIENE SURVEY OF THE WOOLWORTH'S BUILDING - 119 WEST PARRISH STREET AND 124 WEST MAIN STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration on the property condition evaluation and limited industrial hygiene survey of the Woolworth's Building located at 119 West Parrish Street and 124 West Main Street was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) MUNICIPAL AGREEMENT - NORTHEAST CREEK PARKWAY

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution authorizing the City Manager to execute a Municipal Agreement (Project: U-2831 A) with NCDOT for the proposed Northeast Creek Parkway from Cornwallis Road to Ellis Road was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Resolution #8823

SUBJECT: PROPOSED SIDEWALK AND PEDESTRIAN IMPROVEMENTS IN THE AREA OF NC 751, NC 54 AND GARRETT ROAD

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Transportation Division detailing improvements for pedestrians at Garrett Road and NC 751 and NC 751 and NC 54 was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: LICENSE AGREEMENT WITH SOUTHPOINT MALL, L.L.C. - RENAISSANCE PARKWAY

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a License Agreement with Southpoint Mall, L.L.C. to install irrigation lines, private landscaping, private street signs and street pavers within its portion of the right of way for Renaissance Parkway from Fayetteville Road west to about Station 33+80 was approved at 7:15

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p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: SEWER EXTENSION AGREEMENT - UFR BUILDERS, INC. - 708 AND 728 COOK ROAD

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a Sewer Extension Agreement with UFR Builders, Inc. to extend public sewer to serve 708 and 728 Cook Road was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - NATHAN RONALD LOFLIN

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Nathan Ronald Loflin to extend City water and sewer to serve a 15.50 acre, 104 multifamily lot development located on the east side of Ellis Road south of Rada Drive was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - TOW, INC. - GREENWICH OAKS

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a Water and Sewer Extension Agreement with TOW, Inc. to extend City water and sewer to serve Greenwich Oaks, a 12.5 acre, 19 lot single family subdivision located on Quail Ridge Road off Cole Mill Road was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - JLG CORPORATION - HUNTINGTON RIDGE, PHASE 3

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a Water and Sewer Extension Agreement with JLG Corporation for the extension of City water and sewer to serve Huntington Ridge, Phase 3, a 35 acre, 85 lot single family development located on the west side of

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Fayetteville Road and south of Massey Chapel Road was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: WATER EXTENSION AGREEMENT - TEMPLE BAPTIST CHURCH OF DURHAM, INCORPORATED

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a Water Extension Agreement with Temple Baptist Church of Durham, Incorporated to extend City water to serve a proposed church located on the south side of Umstead Road, west of Riverdale Road was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: WATER EXTENSION AGREEMENT - JAMES R. TILLEY - 5410 CHARLESTON DRIVE

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a Water Extension Agreement with James R. Tilley to extend City water to serve 5410 Charleston Drive was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: UPDATE ON THE SHOCOREE DRIVE BRIDGE REPAIR PROJECT

MOTION by Council Member Larson seconded by Council Member Jacobs to receive an update on the Shoccoree Bridge repair project was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: RESOLUTION HONORING REVEREND KENNETH RAY HAMMOND

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Honoring Reverend Kenneth Ray Hammond" was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Resolution #8819

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SUBJECT: RESOLUTION HONORING KEVIN R. MCDONALD

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Honoring Kevin R. McDonald" was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Resolution #8820

SUBJECT: MINUTES FOR APPROVAL - CITY CLERK'S OFFICE

a. City Council Minutes

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the official minutes of the following City Council Meetings was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

October 15, 2001 - Regular Meeting
October 29, 2001 - Special Meeting.

b. Closed Session Minutes

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the official minutes of the following Closed Sessions was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

March 27, 2001
March 29, 2001
April 5, 2001
May 31, 2001
June 4, 2001
June 28, 2001
September 27, 2001
October 11, 2001.

SUBJECT: LOADING AND UNLOADING ZONE - SOUTH ROXBORO STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance to establish a loading and unloading zone on the east side of South Roxboro Street in the area beginning at a point 146 feet south of the south curb line of Erie Street, if extended, and extending to the north curb line of Lawson Street on school days only between the hours of 8:00 a.m. to 9:00 a.m. and

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3:00 p.m. to 4:00 p.m. was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Ordinance #12443

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - BLUESTONE ROAD

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing a speed limit of 25 mph on Bluestone Road from Carpenter Fletcher Road east to Kemmont Road was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Ordinance #12444

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - UMSTEAD STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing a speed limit of 25 mph on Umstead Street from South Roxboro Street west to Scout Drive was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Ordinance #12445

SUBJECT: SETTING PUBLIC HEARINGS FOR THE CONFIRMATION OF CERTAIN ASSESSMENT ROLLS

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt resolutions setting public hearings on Monday, December 3, 2001 for confirmation of the following assessment rolls was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

- a. **Street Opening, Curb, Gutter and Paving on Wayne Street** - from Ebon Road to Wortley Drive;
- b. **Water and Sewer Laterals on Wayne Street** - from Ebon Road to Wortley Drive;
- c. **Water Main on Wayne Street** - from Ebon Road to Wortley Drive; and

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d. **Sewer Main on Wayne Street** - from Ebon Road to Wortley Drive.

SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING CERTAIN PETITIONED IMPROVEMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to accept a Certificate of Sufficiency from the Manager of Engineering for the following petition, and

To adopt a resolution setting a public hearing on Monday, December 3, 2001 to consider ordering the following improvement was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

b. **Street Opening, Curb, Gutter and Paving, Storm Drainage, Water Main and Water and Sewer Laterals on Roane Street** - from end of pavement to north property line of Tax Map 603-4-3 north to property line of Tax Map 603-4-1.

Note: Item a. was pulled and discussed later in the meeting.

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: WATER MAIN - U.S. 501 FROM TOM WILKINSON ROAD (FORMERLY MASSEY ROAD) TO SMITH DRIVE - CONFIRMATION OF ASSESSMENT ROLL

To adopt a resolution confirming the assessment roll for water main on U.S. 501 from Tom Wilkinson Road (formerly Massey Road) to Smith Drive.

MOTION by Council Member Larson seconded by Council Member Jacobs to continue the public hearing on this item without further advertising until the January 22, 2002 City Council Meeting was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: WATER MAIN - C-VIEW STREET FROM SOUTH ALSTON AVENUE TO EAST PROPERTY LINE OF TAX MAP 569-1-23 - CONFIRMATION OF ASSESSMENT ROLL

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

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MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for water main on C-View Street from South Alston Avenue to east property line of Tax Map 569-1-23 was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: LITTLE RIVER CORRIDOR OPEN SPACE PLAN

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Don Moffitt, of 2114 Wilson Street and President of the Eno River Association, spoke in support of this item noting this a good plan that will begin to protect wildlife habitat and water quality.

The Mayor declared the public hearing closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive public comment on the Little River Corridor Open Space Plan; and

To adopt the Little River Corridor Open Space Plan with the additions of suggested changes by the Planning Committee of the Planning Commission and the Durham Open Space and Trails Commission was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: HISTORIC LANDMARK DESIGNATIONS

a. LD 01-1 Hackney House - 1012 Knox Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration regarding the Historic Landmark designation of the Hackney House; and

To receive citizens' comments regarding the Historic Landmark designation of the Hackney House; and

To adopt "An Ordinance Providing for the Designation of the Hackney House as a City of Durham Historic Landmark" was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff.

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Noes: None. Absent: Council Member Blyth.

Ordinance #12446

b. LD 01-2 Wright House (Whitehall Terrace) - 105 Knox Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration regarding the Historic Landmark designation of the Wright House (Whitehall Terrace); and

To receive citizens' comments regarding the Historic Landmark designation of the Wright House (Whitehall Terrace); and

To adopt "An Ordinance Providing for the Designation of the Wright House as a City of Durham Historic Landmark" was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Ordinance #12447

c. LD 01-3 Baldwin Building - 107-109 West Main Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration regarding the Historic Landmark designation of the Baldwin Building; and

To receive citizens' comments regarding the Historic Landmark designation of the Baldwin Building; and

To adopt "An Ordinance Providing for the Designation of the Baldwin Building as a City of Durham Historic Landmark" was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Ordinance #12448

d. LD 01-4 Former Library Building - 311 East Main Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared

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closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration regarding the Historic Landmark designation of the former Library Building; and

To receive citizens' comments regarding the Historic Landmark designation of the former Library Building; and

To adopt "An Ordinance Providing for the Designation of the Former Library Building as a City of Durham Historic Landmark" was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Ordinance #12449

e. LD 01-5 West Village Complex - 604 West Morgan Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

Council Member McKissick raised a concern about the series of historic designations coming through over the last several years.

Council Member Stith raised a concern about the tax implications and loss of revenue attached to historic designations.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration regarding the Historic Landmark designation of the West Village Complex; and

To receive citizens' comments regarding the Historic Landmark designation of the West Village Complex; and

To adopt "An Ordinance Providing for the Designation of the West Village Complex as a City of Durham Historic Landmark" was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Ordinance #12450

SUBJECT: ZONING MATTER CASE P01-19 - AACRE PROPERTIES (LAKEVIEW PARK) - 18.48-ACRE SITE AT 2600 AND 2616 ERWIN ROAD AND 500-600 LASALLE STREET

Case: P01-19

Applicant: AACRE PROPERTIES (Lakeview Park)

Location: 18.48-acre site at 2600 and 2616 Erwin Road and 500-600

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LaSalle Street (City Atlas Page 22, C-3 and C-4)

Request: Rezoning from RM-20 (Multifamily Residential District) and NC (Neighborhood Commercial District) to MU(D) (Mixed Use District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-20 and NC and placing same in and establishing same as MU(D).

Zoning Committee's Recommendation and Vote: Approval 5-1

Planning Department's Recommendation: Approval

Dick Hails, Acting City/County Planning Director, provided Council with a memo highlighting technical corrections to the staff report and urged Council to approve this rezoning along with corrections.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Jack Markham, representing the applicant, spoke in support of this rezoning. He noted the development plan proposes two options, project is consistent with 2020 and Draft West Durham/Northwest Durham Plans and commented on the architectural design. Also, he noted an acceptable solution has been reached between the applicant and the City concerning the mass transit corridor described in the 15/501 Major Investment Study and urged Council to approve this item.

No one spoke in opposition to this rezoning.

Mayor Tennyson declared the public hearing closed.

Council Member McKissick asked staff if an adequate note has been added to the plan dealing with the regional fixed Guideway transit system and its potential impact as it relates to the planning project area.

Nazeeh Abdul-Hakeem, of the City/County Planning Department, replied the note has been added.

Council Member McKissick asked staff if there are any concept plans or illustrations which are a part of the request.

Nazeeh Abdul-Hakeem, of the City/County Planning Department, noted staff was provided with a development plan and a booklet that describes options, building guidelines, materials and along with elevations that are on the development plan itself. Also, he noted that Mr. Markham pointed out they are a part of the committed elements.

Council Member McKissick asked Mr. Markham if that is correct.

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Mr. Markham noted that's correct.

MOTION Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-20 and NC and placing same in and establishing same as MU(D) [along with technical corrections to the staff report] was approved at 7:31 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: ZONING MATTER CASE P01-27 - HICKORY FURNITURE MART
(LONNIE AND HAZEL F. OLDHAM AND HELEN O. AND EDWIN A.
DENNIS) - 3.457 ACRES AT 3704 AND 3710 MT. MORIAH ROAD**

Case: P01-27

Applicant: Hickory Furniture Mart (Lonnies and Hazel F. Oldham and Helen O. and Edwin A. Dennis)

Location: 3.457 acres at 3704 and 3710 Mt. Moriah Road (City Atlas Page 35, A-1)

Request: Rezoning from RD (Rural District) and R-20 (Residential 20 District) to OI-2(D) (General Office and Institutional District with a Development Plan); MTC

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-D and R-20 and placing same in and establishing same as OI-2(D); MTC.

Zoning Committee's Recommendation and Vote: Approval 5-1

Planning Department's Recommendation: Approval

Mayor Tennyson opened the public hearing.

Proponent

Will Anderson, representing the applicant, spoke in support of this rezoning noting this plan is consistent with the Southwest Durham Plan.

No one spoke in opposition to this rezoning.

Mayor Tennyson declared the public hearing closed.

Council Member Stith asked the developer to elaborate on the transportation issues in the area.

Will Anderson, representing the applicant, noted a TIA was not done for this project and he does not anticipate a large amount of traffic.

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Nazeeh Abdul-Hakeem, of the City/County Planning Department, noted the applicant is dedicating a 60 feet right-of-way for the circulating road that would provide connections between the quadrant over in Chapel Hill across I-40.

Council Member McKissick asked staff if this is a dedication or reservation.

Nazeeh Abdul-Hakeem, of the City/County Planning Department, noted it is a dedication.

Council Member McKissick asked for clarification on the classification of the stream.

Nazeeh Abdul-Hakeem, of the City/County Planning Department, noted that staff received information from N C Department of Environment and Natural Resources (NCDENR) reporting that it is ephemeral which is basically a drainage ditch and would relieve the applicant from the stream buffer requirements.

Council Member McKissick asked staff does the City have the right-of-way to the adjoining parcel.

Nazeeh Abdul-Hakeem, of the City/County Planning Department, noted on the Durham side, there is a right-of-way dedicated behind Home Depot which would serve Patterson Place and staff does not know about any other right-of-way dedication across I-40 into Chapel Hill.

MOTION Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-D and R-20 and placing same in and establishing same as OI-2(D); MTC was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: ZONING MATTER CASE P01-58 - E.B.E. INC. (GLEN STEWART, INC.) - 3.78 ACRES AT 3822 SOUTH ALSTON AVENUE

Case: P01-58

Applicant: E.B.E. Inc. (Glen Stewart, Inc.)

Location: 3.78 acres at 3822 South Alston Avenue (City Atlas Pages 36 and 37, D-4, A-4)

Request: I-2(D) Change in Development Plan

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-2(D) and placing same in and establishing same as I-2(D)--**Change in Development Plan.**

Zoning Committee's Recommendation and Vote: Approval 6-0

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Planning Department's Recommendation: Approval

Mayor Tennyson opened the public hearing.

Proponent

Glen Stewart, representing the applicant, spoke in support of this rezoning.

No one spoke in opposition to this rezoning.

Mayor Tennyson declared the public hearing closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-2(D) and placing same in and establishing same as I-2(D)--Change in Development Plan--was approved at 7:38 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: ZONING MATTER CASE: P01-60 - THE JOHN R. MCADAMS COMPANY - 19.89 ACRES ON GIBSON ROAD

Case: P01-60

Applicant: The John R. McAdams Company

Location: 19.89 acres on Gibson Road (Tax Map #593, Block 1, Lot 5; City Atlas Page 31, C-2)

Request: Rezoning from R-8 (Residential 8 District) and R-20 (Residential 20 District); F/J-B to PDR 4.59 (Planned Density Residential District with maximum of 4.59 units per acres); F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-8 and R-20 and placing same in and establishing same as PDR 4.59; F/J-B.

Zoning Committee's Recommendation and Vote: Denial 7-0

Planning Department's Recommendation: Approval

Mayor Tennyson declared the public hearing open.

Proponent

Chuck Welsh, representing the applicant, spoke in support of this rezoning. He noted the applicant has committed to a provision of a 1.87-acre open space dedication, which includes a 50-foot easement dedication on the north side of Little Lick Creek and a dedication of approximately 1.5 acres with a 70-foot right-of-way for the future extension of Lynn Road. Also, he made comments

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about the tree save coverage area, play area for children, school impact and roadway design.

No one spoke in opposition to this rezoning.

Mayor Tennyson declared the public hearing closed.

Council Member Jacobs asked the applicant if there was any objection from the neighborhood concerning this project and if the cul-de-sac is a safety hazard.

Chuck Welsh, representing the applicant, replied no.

Council Member McKissick asked staff if the stubout road would tie into something.

Nazeeh Abdul-Hakeem, of the City/County Planning Department, noted the stubout road is connected to future development.

Council held discussion on the main lot threshold, tot area and type of pond.

Chuck Welsh, representing the applicant, made comments noting he wasn't sure if the pond would be wet or dry.

Council Member McKissick raised a concern about the treatment of the proposed pond (wet or dry) and directed staff to make sure it's adequate.

Council Member Stith raised a concern about the transportation issue on Lynn Road.

Nazeeh Abdul-Hakeem, of the City/County Planning Department, noted that Lynn Road is not funded.

Council Member Edwards asked the applicant if they would consider a fence around the detention pond.

Chuck Welsh, representing the applicant, replied yes.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-8 and R-20 and placing same in and establishing same as PDR 4.59; F/J-B was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF DURHAM TO ESTABLISH A MORATORIUM ON CONSIDERATION OF NEW COMMUNICATION TRANSMISSION TOWERS - TC127-01

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Shelia Stains-Ramp, of the City/County Planning Department, briefed Council noting there is a date change on page 2 of the ordinance under section 2 from September 1, 2001 to November 1, 2001.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

Council Member McKissick asked staff how does the change of date affect projects in the pipeline.

Shelia Stains-Ramp, of the City/County Planning Department, noted none of the projects in the pipeline are put under the moratorium for the new considerations.

City Manager Conner noted there are two applications in the pipeline and the City will hire technical assistance to adjust those.

Shelia Stains-Ramp, of the City/County Planning Department, made comments about the two BOA and site plan applications.

MOTION by Council Member Larson seconded by Council Member Langley to receive citizens' comments on the proposed ordinance; and

To adopt "An Ordinance Amending the Zoning Code of the City of Durham to Establish a Moratorium on Consideration of New Communication Transmission Towers" as amended was approved at 7:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Ordinance #12451

[OTHER MATTERS]

SUBJECT: CITY COUNCIL PROCEDURES

Lavonia Allison, of 1315 McLaurin Avenue and representing Durham Committee on the Affairs of Black People, expressed education issues and urged the Council to have aggressive leadership in closing the achievement gap among our school children.

Council Member Stith made comments on the recommendations noted at the orientation meeting on Friday relative to the governing procedures for the Council Meeting being applicable to the Committee-of-the Whole Meeting.

City Attorney Blinder briefed Council noting additional changes should be addressed to streamline the procedure once the new

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Council is in place.

City Manager Conner noted recommendations made at the orientation to the new Council Procedures would be made available for Council to take action at the December 3, 2001 City Council Meeting.

Mayor Pro Tempore Clement requested staff to place Council Procedures in a binder.

- a. To review and make amendments to the Council Procedures to reflect Council reduction; and**

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Clerk, in consultation with the City Attorney, to update Attachment D as necessary to conform Attachment D to any subsequent changes to the Charter provision was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

- b. Council Procedures Committee and Staff Recommendations Regarding Changes to the City Council Agenda Process**

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration and adopt changes to the City Council Agenda process was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

- c. Procedures for Appointing Citizens to Boards, Committees and Commissions**

MOTION by Council Member Larson seconded by Council Member Jacobs to amend the City Council Procedures for Appointing Citizens to Boards, Committees and Commissions by adding the following language was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

10. "Persons applying for appointment to a Board, Committee or Commission shall be in compliance with all codes, ordinances and regulations that the particular Board, Committee or Commission enforces. The City Council shall not consider the application if the person fails to comply with the provision.

Members of Boards, Committees or Commissions shall be in compliance with all codes, ordinances and regulations enforced by their particular Board, Committee or Commission. The City Council may remove a member from his or her Board,

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Committee or Commission for failure to comply with the provision."

[SUPPLEMENTAL AGENDA]

SUBJECT: DOWNTOWN REVITALIZATION PROJECTS - PARKER, POE, ADAMS & BERNSTEIN, L.L.P. AND THE BANKS LAW FIRM, P.A. - LIGGETT REDEVELOPMENT PROJECT AND THE PERFORMING ARTS THEATER

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager, in consultation with the City Attorney, to retain the assistance of co-special counsel on installment purchase financings, Parker, Poe, Adams & Bernstein, L.L.P. and The Banks Law Firm, P.A. to assist the City with the negotiation and preparation of project agreements and related documents related to the Liggett Redevelopment Project and the Performing Arts Theater in an amount not to exceed \$40,000 as amended was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: HOPE VI PROJECT

Curtis Gatewood, representing the NAACP, raised a concern that that there is no approved relocation plan between HUD and the Durham Housing Authority for the Hope VI project.

Stephanie Jackson, representing NCCU, noted there is injustice occurring in the City and that we cannot allow the residents of Few Gardens to be put out of their homes without a relocation plan and urged Council Members to act now and don't allow the residents to fall through the cracks.

Kim Denmark, of Dayton, Ohio, noted her goal is to help the residents of Few Gardens find secure living and noted the Hope VI project is not working because there is no relocation plan approved. She urged Council to be instrumental in pushing this process to come forward.

Nia Southerland, a resident of Few Gardens, noted the residents would like to know when they are moving and urged the City Council to help them.

Shannon Percell, a resident of Few Gardens, thanked Council Members Langley and Wagstaff for their support.

Council Member Wagstaff thanked the group for coming tonight and urged Council to create a Committee to oversee the Hope VI Project consisted of residents inside and outside of the Few Gardens area.

Council Member McKissick raised a concern about DHA placing more

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residents in Few Gardens.

Council Member Larson noted that DHA informed Council at COW that they will modify the timeline for moving residents out of Few Gardens to accommodate the delay in HUD'S approval of the relocation plan.

Mayor Pro Tempore Clement briefed his colleagues on his attendance at the DHA Board Meeting noting he raised the question as to what can Council do to facilitate the implementation of the relocation plan from HUD. He reported that contacts should be made to Senator Edwards, Congressman Price and representatives of this district to intervene with HUD concerning the relocation plan. Also, he informed Council that the City Manager would be meeting with Mr. Tabron on Wednesday to receive an update and he has rescinded the order to fill existing spaces in Few Gardens.

Council held discussion on the need for HUD to approve a relocation plan and the Hope VI project.

MOTION by Council Member Larson seconded by Council Member Jacobs to hear from citizens regarding the HOPE VI Project; and to receive the comments regarding HOPE VI Project was approved at 8:28 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: REPORT ON SITE FOR TRIANGLE TRANSIT AUTHORITY'S ALSTON AVENUE TRANSIT STATION

Mayor Tennyson noted that Council was provided with a handout concerning this item.

MOTION by Council Member Mayor Pro Tempore Clement seconded by Council Member Langley to receive a report on the proposed site for the Triangle Transit Authority's Alston Avenue transit station was approved at 8:30 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, Stith and Wagstaff. Noes: Council Member McKissick. Absent: Council Member Blyth.

[ITEMS PULLED FROM CONSENT AGENDA]

SUBJECT: REJECTION OF THE OFFER TO PURCHASE CITY TRACT #50 ON HILLSBOROUGH ROAD AND RETENTION OF CITY TRACT #50 ON THE SURPLUS PROPERTY LISTING

Canu DiBona, of 1104 Iredell Street, urged Council to accept his bid in the amount of \$84,000 which reflects fair value for this property.

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Garay Ballance spoke in support of Mr. DiBona's bid of \$84,000 and urged Council to not consider any bid that came in beyond the date for bids being submitted.

A motion was made by Council Member Larson to reject offers and to remove them from the surplus property listing. [MOTION DIES FOR A LACK OF A SECOND]

Council Member McKissick made comments about the bid opening/deadline.

Betty Pittard, of the Real Estate Department gave an overview of the procedure for handling surplus property. Also, she informed Council that the offers received from Mr. DiBona and JLH were received after the 4:30 p.m. deadline on Wednesday.

Council Member McKissick asked Mr. DiBona if his offer came in after the deadline.

Canu DiBona commented on the two bids he submitted--one in October for \$44,000 before the deadline and the other one for \$84,000 which was done at 4:42 p.m. to accommodate the officer's request not to bring cash.

Council Member McKissick asked staff if they received a bid today for \$95,000.

Betty Pittard, of the Real Estate Department, replied yes.

Council Member McKissick suggested that staff establish a new bid deadline.

Betty Pittard, of the Real Estate Department, noted that Consent Item #6 [DEADLINES FOR ACCEPTING BIDS FOR SURPLUS CITY-OWNED PROPERTIES] is a continuing deadline.

Mayor Pro Tempore Clement requested staff to get a current appraisal from an independent agency.

Discussion was held on the bids and the appraisal of \$192,850.

MOTION by Council Member Larson seconded by Council Member Cheek to reject the offer of \$44,000 from Canu Cassio DiBona to purchase City Tract #50, Tax Map #209-04-002A, PIN 0812-16-84-6824; and

To approve the retention of City Tract #50 on the Surplus Property Listing; and

To reject the second offer of \$84,000 from Canu Cassio DiBona to purchase City Tract #50, Tax Map #209-04-002A, PIN 0812-16-84-6824 was approved at 8:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Hill, Jacobs, Larson, Stith and Wagstaff. Noes: Council Members Edwards, Langley and McKissick. Absent: Council Member Blyth.

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SUBJECT: DEADLINES FOR ACCEPTING BIDS FOR SURPLUS CITY-OWNED PROPERTIES

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive a report from the Administration concerning deadlines for accepting bids for surplus City-owned properties was approved at 8:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING CERTAIN PETITIONED IMPROVEMENTS

Lee Murphy, of the Public Works Department, informed Council that the property owner was under the impression that the public hearing was scheduled for tonight.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to accept a Certificate of Sufficiency from the Manager of Engineering for the following petition, and

To adopt a resolution setting public a hearing on Monday, December 3, 2001 to consider ordering the following improvement was approved at 8:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

- a. **Sidewalk on Watts Street (East Side)** - from south property line of Tax Map 16-8-2 to north property line of Tax Map 17-1-9; and

[ITEMS ADDED TO THE AGENDA]

SUBJECT: EMPLOYMENT AGREEMENTS - CITY ATTORNEY AND CITY CLERK

MOTION by Mayor Pro Tempore Clement seconded by Council Member Larson seconded by Council Member Jacobs to ratify Council action of June 5, 2000 by approving an employment agreement (severance pay) for the City Attorney and City Clerk was approved at 8:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Mayor Tennyson noted Mr. Vincent Brown has requested that an item be added to the agenda.

MOTION by Council Member Stith seconded by Council Member Langley

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to add the following item to the agenda was approved at 8:47 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Burnette, Edwards, Jacobs, Langley, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson and Council Members Cheek, Hill and Larson. Absent: Council Member Blyth.

SUBJECT: RESOLUTE CONSTRUCTION COMPANY

Vincent Brown, of 905 Lynn Road (Brown Painting Company), noted that he worked for Resolute Construction Company on the City of Durham's new Properties and Facilities Management facility and Resolute has refused to pay them as the subcontractor even though the City has paid Resolute. Also, he provided Council with amendments to the contract and expressed concern with Article 9 Payments and Completion. He noted, in Article 9.5, it states that the City's decision to withhold certifications failure to pay subcontractors or suppliers have been deleted completely out of City contracts. Further, he noted that the City's contract gives the general contractor the ability to not pay the sub for the work that the subcontractor has done.

City Manager Conner noted we have promised Mr. Brown today that we would have the language that would be approved and staff is recommending that the City sever the contract between Resolute and Brown and the City assume the liability of any warranty issues and Mr. Brown _____ and it should be approved by tomorrow and will give him a manual check.

Council held discussion on the City's need to revisit contract procedures and contractor's practices.

MOTION by Council Member Larson seconded by Council Member Jacobs to hear from Vincent Brown regarding Resolute Construction Company; and to receive the comments from Vincent Brown was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

There being no further business to come before the City Council, the meeting was adjourned at 8:52 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk